

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, October 15, 1942

The City Council convened in regular session, at the regular meeting place in the Council Chamber at the Municipal Building on Thursday, October 15, 1942, at 11:50 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; absent, Councilman Wolf.

There were present also: Walter E. Senholm, Acting City Manager; Gibson R. Handle, Acting City Attorney; J. E. Motheral, City Engineer; and R. D. Thorp, Chief of Police.

The Minutes of the regular meeting of October 8, 1942, were read, and upon motion of Councilman Alford were adopted as read by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

The following resolution was introduced by Councilman Alford:

(RESOLUTION)

WHEREAS, Charles Dana Butts was charged with negligent collision in the Corporation Court of the City of Austin in Cause No. 88,730, as a result of an alleged collision on or about September 29, 1942, on South Congress Avenue with a United States Army truck, which case came on for trial on or about October 1, 1942, and following a plea of not guilty the case was tried before the court, resulting in a conviction for negligent collision, whereupon the defendant, Charles Dana Butts, was fined in the amount of Ten Dollars (\$10.00); and

WHEREAS, the said defendant paid the said fine and did not file either a motion for new trial or an appeal from the judgment of the court; and

WHEREAS, the said Charles Dana Butts and his attorney, Ghent Sanderford, appeared before the City Council on October 15, 1942, and requested the City Council to remit the fine in the said case for the reason that there were extenuating circumstances, and for the further reason that the defendant is about to enter the armed service; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the fine of Ten Dollars (\$10.00) imposed by the Corporation Court against Charles Dana Butts in the case above described be and it is hereby remitted to the said Charles Dana Butts, provided, however, that it is not the intention of the City Council to hereby express any opinion upon the guilt or innocence of the defendant in said case;

THAT the City Manager, or in his absence the Acting City Manager, be and he is hereby authorized and directed to cause a check to be issued payable to Charles Dana Butts in the amount of Ten Dollars (\$10.00).

Upon motion of Councilman Alford, the foregoing resolution was adopted by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

An appeal by Walton Lee Harris, 3402 Bailey Lane, on his application for a taxicab driver's permit, which had been recommended for denial by the Acting City Manager and the Chief of Police, was heard. After a consideration of the facts in the case, it was moved by Mayor Miller that the said Walton Lee Harris be granted a taxicab driver's permit for a 90-day probationary period, with the understanding that applicant report to the Chief of Police on December 1, 1942; and with the further understanding that if, at the expiration of such probationary period, applicant's record is satisfactory, permit will be extended. The motion prevailed by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

A communication from Hilliare F. Nitschke, Assistant Attorney, Acting Project Manager, thanking the City Council for office space in the Municipal Building furnished the United States Government during the acquisition of land for the Del Valle Air Base, was received and filed.

The following application for a private boat license was submitted:

<u>Name and Address of Applicant</u>	<u>Description of Boat</u>
Moffitt, Alexander - 607 West 32nd Street	Factory-built, Collapsible Canoe, 1938 Model, 2-passenger

Councilman Alford moved that the application be granted, subject to the approval of the Lake Austin Navigation Board. The motion prevailed by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

The following resolution was introduced by Councilman Bartholomew:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approves as a private gasoline plant for the sole purpose of servicing their own motor equipment, and from which no gasoline is to be sold, the property situated on the north side of West 3rd Street, which property is owned by The Southwestern Ice and Cold Storage Company and is designated as Lot 3, Block 27, of the Original City of Austin, Travis County, Texas, and hereby authorizes The Southwestern Ice and Cold Storage Company, acting by and through A. M. Fitzpatrick, Manager, to operate a private gasoline plant for the sole purpose of servicing their own motor equipment, and from which no gasoline is to be sold, subject to the same's being operated in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this private gasoline plant after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said The Southwestern Ice and Cold Storage Company has failed and refused, and will continue to fail and refuse, to perform any such conditions, regulations, and ordinances.

(Recommendations Attached)

"Austin, Texas
October 15, 1942

Mr. Walter E. Seaholm
Acting City Manager
Austin, Texas

Dear Sir:

I, the undersigned, have considered the application of The Southwestern Ice and Cold Storage Company, acting by and through A. M. Fitzpatrick, Manager, for permission to operate a private gasoline plant for the sole purpose of servicing their own motor equipment and from which no gasoline is to be sold, upon property located on the north side of West 3rd Street, which property is designated as Lot 3, Block 27, of the Original City of Austin, Travis County, Texas, and locally known as 306 West 3rd Street.

This property is located in a "C-2" Commercial District and I recommend that this permit be granted subject to the following conditions:

(1) That the gasoline tanks and pumps shall be of an approved type and shall bear the label of the National Board of Fire Underwriters and that all tanks and pumps shall be installed in compliance with the Ordinance governing the storage and handling of gasoline.

(2) That all pumps shall be located not nearer than 10 feet to the property line and so located that cars stopped for the purpose of receiving gasoline or other supplies shall not in any way obstruct the free passage of traffic on either the sidewalk, street, or alley.

(3) That "NO SMOKING" signs shall at all times be prominently displayed, and no person shall be permitted to smoke on the premises where gasoline is handled or stored.

(4) That all fees shall be paid and a permit shall be secured from the Building Inspector's Office before any installation work is started.

Respectfully submitted,

-----Signed-----
J. C. Eckert
Building Inspector . "

Upon motion of Councilman Bartholomew, the foregoing resolution was adopted by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

The following report of the Board of Adjustment was received and ordered filed:

"Austin, Texas
October 14, 1942"

The Honorable Mayor and City Council
Austin, Texas

Gentlemen:

The following is a copy of a resolution which was passed by the Board of Adjustment at a meeting held on October 13, 1942:

R E S O L U T I O N

WHEREAS, the City Council of the City of Austin, pursuant to the terms of Section 31 of the Zoning Ordinance of the City of Austin, has referred to the Zoning Board of Adjustment for its consideration, a petition of Horace H. Shelton on behalf of the owners, requesting a change in the Use designation of the following described property:

East 39.8 feet of Lot 6, and all of Lot 5, Block 4,
Outlot 36, Division "B"; and Lots 9 and 10, Block 1,
Outlot 34, Division "B"; all in the City of Austin,
Travis County, Texas,

from "A" Residence District and First Height and Area District to "C" Commercial District and Second Height and Area District; and

WHEREAS, the Board of Adjustment, after having viewed the property, at a meeting on October 13, 1942, carefully considered this petition in the light of existing conditions on and surrounding this property and its effect on the surrounding community and its relationship to a comprehensive zoning plan; and

WHEREAS, an inspection of the property discloses the fact that there are now three non-conforming uses on the west side of Chicon Street on the property in question; and

WHEREAS, the property to the south of the alley between 12th and 13th Streets is now zoned as a "C-1" Commercial District; and

WHEREAS, an analysis of the conditions in this neighborhood indicates the desirability of providing more commercial space for use of the Negro population, especially owing to the War emergency; therefore,

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT it is hereby recommended to the City Council that the above described property be changed from "A" Residence District and First Height and Area District to "C" Commercial District and Second Height and Area District for the following principal reasons:

1. That the above recommended change is an extension of an existing commercial district for a distance of one-half block, and the inclusion of the property on both sides of Chicon Street would not mark this change as a spot zone.
2. That no reasons have been advanced why this change should not be made and on the contrary, the granting of this change would meet a justified demand for an extension of the commercial district at this locality, and would not adversely affect the property values or public welfare.

Respectfully submitted,

BOARD OF ADJUSTMENT

By -----Signed-----
H. F. Kuchne
Chairman. "

In accordance with published notice thereof, the Mayor announced the public hearing open on the proposal of the City Council to amend the Zoning Ordinance in the following particulars:

To amend the USE designation and the HEIGHT AND AREA designation of the following described property so as to change same from "A" Residence District to "C-Commercial" District, and from First Height and Area to Second Height and Area:

East 39.8 feet of Lot 6, and all of Lot 5, Block 4, Outlot 36,
Division "B"; and Lots 9 and 10, Block 1, Outlot 34, Division
"B"; all in the City of Austin, Texas.

No one appearing to protest the proposed change in zoning, Councilman Alford thereupon introduced the following ordinance:

AN ORDINANCE AMENDING THE CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, BEING A GENERAL REVISION OF THE ZONING ORDINANCE OF THE CITY OF AUSTIN, WHICH AMENDATORY ORDINANCE IS RECORDED IN BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, TEXAS, THE AMENDATORY ORDINANCE HEREBY ENACTED CHANGING THE USE DESIGNATION AND THE HEIGHT AND AREA DESIGNATION FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND SECOND HEIGHT AND AREA DISTRICT AS TO ALL OF THE FOLLOWING TRACTS: EAST 39.8 FEET OF LOT 6 AND ALL OF LOT 5, BLOCK 4, OUTLOT 36, DIVISION "B", AND LOTS 9 AND 10, BLOCK 1, OUTLOT 34, DIVISION "B"; ALL IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; AND ORDERING A DELINEATION OF THE OFFICIAL USE MAP AND THE OFFICIAL HEIGHT AND AREA MAP SO AS TO SHOW THE CHANGE HEREBY ORDERED; AND DECLARING AN EMERGENCY

The Ordinance was read the first time and Councilman Alford then moved that the rules be suspended and the Ordinance be passed to its second reading. The motion was seconded by Councilman Bartholomew and the same prevailed by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

The Ordinance was then read the second time and Councilman Alford moved that the rules be further suspended and the Ordinance be passed to its third reading. The motion was seconded by Councilman Bartholomew and the same prevailed by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

The Ordinance was then read the third time and Councilman Alford moved that the Ordinance be finally passed. The motion was seconded by Councilman Bartholomew and the same prevailed by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, Mayor Miller; "nays," none; Councilman Wolf absent.

The Mayor then announced that the Ordinance had been finally passed.

Acting City Manager Seaholm submitted a request from the ANVS for permission to place a building in front of the Paramount Theatre for Navy recruiting purposes. It was the sense of the meeting that the request be granted, contingent upon the approval of same by Fire Chief Woody.

Judge W. D. Hart came before the Council and requested that all taxicab owners be required to install some kind of standard meter as a protection to the public against excessive fares. Further consideration of the matter was postponed to a meeting to be called for some day of the following week with Judge Hart and the taxicab owners; and the Acting City Manager, the Acting City Attorney, the Chief of Police, and the Superintendent of Traffic were instructed, in the meantime, to prepare the necessary data on the subject and have same ready for the Council at said meeting.

Dr. E. H. Givens came before the Council on behalf of the Negro soldiers and submitted a request for sanitary and other facilities at the designated Bowen Bus Company terminal for Negro soldiers at the Public Market. The matter was referred to the Acting City Manager, the Acting City Attorney, and the Chief of Police for conference with representatives of the Bowen Bus Company and officials at Camp Swift relative to the establishing of a ticket office for Negroes at the Camp or at the Public Market.

The Acting City Manager was also instructed to see what can be done in the way of providing toilet facilities for the soldiers in the alleys and other places.

Acting City Manager Seaholm submitted a request from the Braniff Airways, Inc., to lease a portion of the grounds at the Municipal Airport for the purpose of erecting thereon a building to house its radio equipment.

It was moved by Mayor Miller that the request be granted, with the understanding that if the said Braniff Airways, Inc., ever desire to remove said building, the City of Austin shall have the right to purchase same, if it cares to do so, at a 10% per year depreciation in valuation. The motion prevailed by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, Mayor Miller; "nays,"

none; Councilman Wolf absent.

Upon motion, seconded and carried, the meeting was recessed at 11:55 A. M., subject to call of the Mayor.

APPROVED Tom Miller
MAYOR

ATTEST:

Helen M. Kellan
CITY CLERK

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, October 22, 1942

The City Council convened in regular session, at the regular meeting place in the Council Chamber at the Municipal Building, on Thursday, October 22, 1942, at 10:30 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; absent, none.

There were present also: Walter E. Seaholm, Acting City Manager; Gibson R. Randle, Acting City Attorney; J. E. Motheral, City Engineer; and R. D. Thorp, Chief of Police.

The Minutes of the regular meeting of October 15, 1942, were read, and upon motion of Councilman Alford, were adopted as read by the following vote: "yes," Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; "noys," none.

D. B. Johnson, representing the Junior Chamber of Commerce, submitted a request for assistance in its annual campaign for eradication of rats by having leaflets printed for mailing out with water and light bills, calling attention to such eradication campaign and advising method of securing poison for same. The matter was referred to the Acting City Manager for compliance with said request, after consulting with said D. B. Johnson as to proper wording of leaflets.

The application of Jess George Vasquez, 1003 West 11th Street, for a taxicab driver's permit, approved by the Acting City Manager, was submitted. Councilman Bartholomew moved that the application be granted. The motion prevailed by the following vote: "yes," Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; "noys," none.

The application of Joyce William Baker, 324 West 6th Street, for a taxicab driver's permit, approved by the Acting City Manager, was submitted. Councilman Bartholomew moved that the application be